

## Vehicle Towing

### 502.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

### 502.2 POLICY

The Easton Police Department will tow vehicles when appropriate and in accordance with the law.

### 502.3 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Department. A rotation or other system established by the Department for tow services should be followed.

#### 502.3.1 TOW SERVICE REGULATIONS

A Towing and Storage Agreement must be signed by the owner of a towing and storage facility and the Easton Police Department's Chief of Police before a towing operator may remove vehicles under the direction of the Easton Police Department. A towing company called to the scene at the request of the owner/operator of the vehicle to be towed is not required to have a signed agreement. This agreement shall not be transferable and is renewable annually at the discretion of the Chief of Police.

Classification of Towing Service:

- (a) A Class I towing company must have equipment that can effectively handle any removal up to and including 75,000 pounds gross weight.
- (b) A Class II towing company must have equipment that can effectively handle any removal up to and including 15,000 pounds gross weight.
- (c) A Class III towing company must have equipment that can effectively handle any removal up to and including 12,000 pounds gross weight.

Minimum Equipment:

- (a) The towing company must have one Class II vehicle, or if they have two or more towing vehicles, one must be a Class I vehicle.
- (b) A set of "dollies" or other means to remove a vehicle without wheels.
- (c) Class "C" fire extinguisher.
- (d) Hand tools sufficient to clean scenes of minor debris.
- (e) Flashing amber lights to be engaged when on the scene and while towing.

The towing vehicles of the applicant must be inspected at least yearly to assure that they are in good mechanical condition, equipped with necessary towing gear and safety apparatus, and are

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registered as commercial hauling vehicles with the Department of Motor Vehicles. A copy of the inspection certificate must be presented to the Chief of Police prior to signing the agreement.

The towing company must provide the Police Department with a list of the operators who will actually be in control of the wreckers at the time of the engagement of service. That all such operators and other employees involved with the towing and storage not be of questionable honesty and integrity.

Further, that all such operators are knowledgeable in the operation of their equipment and the ability to correctly handle any problem within the realm of the operation they are called upon to handle with regard to damage of the vehicle being towed.

Facilities of the Towing Service Must:

- (a) Have adequate off street facilities. The storage facilities must have adequate fencing to insure that persons cannot climb over or under the fence which must be secured with a gate that can be locked. Further, the storage facilities must be protected at night by security lights.
- (b) Be able to store the vehicles at his place of business or any other location directed by the police officer and can guarantee security of the vehicle stored.
- (c) Provide response within twenty minutes, twenty four hours daily when summoned.
- (d) Have sufficient insurance in the amount of \$500,000 garage liability with not more than \$100 deductible and \$50,000 garage keepers liability, to make immune the Police Department and the Town of any fiscal liability of the towed, stored vehicle, and its contents from the point the vehicle is turned over to the towing service until it is officially and physically removed from his premises. Further, that damage or injury to the towing services equipment, personnel, or public, that the towing service shall be responsible under this insurance. A certificate of insurance compliance must be presented before issuance of the agreement. The Police Department is to be notified 60 days prior to the cancellation of the policy.

Upon notification for a request for providing Police Towing Services, the Chief of Police, or his designee, will conduct an on site inspection of the garage or towing service together with an inspection of each tow vehicle which will be utilized, for condition, proper equipment, etc.

The Chief of Police will sign an agreement with those towing services which meet the above requirements.

#### 502.3.2 INVESTIGATING OFFICERS

- (a) Request a tow truck by contacting Talbot Center and advising of the following:
  - 1. Requesting next reliable wrecker service or providing the name of requested tow company.
  - 2. Type of vehicle to be towed and the physical condition of the vehicle.
  - 3. Unusual circumstances requiring any special tow considerations.

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4. Re-contact Talbot Center if the tow truck fails to respond within 20 minutes of the request, giving consideration to the weather and traffic conditions.
  5. Remain at the scene until the tow truck removes all vehicles from the scene and traffic flow is restored.
  6. Furnish the tow truck operator with the report number and all vehicle information regarding towed vehicles.
- (b) Only that towing vehicle dispatched by Talbot Center will be permitted to tow the disabled vehicles unless the owner/operator pays the costs incurred by the agency-dispatched tow service.

#### **502.3.3 AUTHORIZED TOWING LIST "NEXT RELIABLE"**

- (a) The list of authorized towing operators shall be forwarded to Talbot Center, and will be updated yearly.
- (b) Whenever the services of a towing vehicle shall be required and a request for a particular service has not been made by the owner/operator of the vehicle to be towed, Talbot Center personnel shall contact the next wrecker service on the list. Towing companies will be utilized on a chronological and rotating basis. If a towing vehicle is not available, the next towing company listed chronologically shall be called.

#### **502.4 REMOVING VEHICLES FROM COLLISION SCENE**

##### **502.4.1 GENERAL**

- (a) In those instances when the vehicle has been involved in a collision but is operable, and the owner/operator is able to move it, the officer should direct him to move the vehicle from the traveled portion of the roadway and park it in a safe location.
- (b) If a vehicle becomes inoperable as a result of a collision but there is no necessity for having the vehicle removed immediately, the owner/operator must be given the option of making disposition of the vehicle. However, the owner/operator should be advised that the vehicle will be classified as an abandoned vehicle if allowed to remain on public property more than forty-eight hours and may be towed on the authority of the Department.
- (c) Vehicles may remain on the scene if the collision took place on private property and the vehicle owner has the property owner's permission.
- (d) If a vehicle becomes inoperable as a result of a collision and is a traffic hazard or the owner/operator is unable to make a disposition for the vehicle, it must be towed from the scene.
- (e) The vehicle owner/operator may request a specific tow company, provided the tow service can respond within a reasonable amount of time (20 min).

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#### **502.5 REMOVAL OF VEHICLES DUE TO HAZARD**

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Talbot Center to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member.

Vehicles that are not the property of the Town should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

#### **502.6 ARREST SCENES**

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location and the vehicle is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.
- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requestor should be informed that the Department will not be responsible for theft or damages.

#### **502.7 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS**

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

#### **502.8 ABANDONED VEHICLES**

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#### 502.8.1 AUTHORITY

##### (a) Town of Easton

1. In accordance with Section 17-27 of the Town Ordinances, police are authorized to remove vehicles that are parked in such a manner so as to obstruct traffic and to place them in some garage within the limits of the town.
2. In accordance with Section 17-45 of the Town Ordinances, "Abandoned automobile" is defined as: "Any motor vehicle, including automobiles and trucks, located on private property, not within a completely enclosed structure or building which can be easily secured against potential health and safety hazards and whose engine or motor or any other essential part is inoperable or has been removed, or whose tires or any tire has been deflated or its wheel or wheels have been removed."
3. In accordance with Section 17-46 of the Town Ordinances, it shall be unlawful to store or deposit an abandoned automobile or part thereof on private property, vacant or occupied.
4. If the Zoning Inspector for the Town of Easton determines that any abandoned automobile or part thereof presents a threat to the public health, safety, or welfare, the Zoning Inspector shall order by certified mail, return receipt requested, the owner of the property on which the abandoned automobile is located to remove the abandoned automobile or part thereof within five days of the date of the order.
5. If, after the expiration of the five day period, the abandoned automobile or part thereof is not removed from the property, the Zoning Inspector may arrange for the removal of the material by employees of the Town or by other persons. Any cost or expense incurred thereby shall be payable by the property owner and shall constitute a lien upon the real property upon which the abandoned automobile was located.

##### (b) State of Maryland

1. Abandoned vehicles are defined as:
  - (a) Any motor vehicle, trailer or semi trailer.
  - (b) That is inoperable and left unattended on public property for more than 48 hours.
  - (c) That has remained illegally on public property for more than 48 hours.
  - (d) That has remained on private property for more than 48 hours without the consent of the owner or person in control of the property.
2. Transportation Article 25 202:
  - (a) A person may not abandon a vehicle:
    1. On any public property, or
    2. On any property other than his own without permission of the owner or lessee of the property.

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3. Transportation Article 25 203:

- (a) A police department may take any abandoned vehicle into custody.
- (b) For this purpose, the police department may use its own personnel, equipment, and facilities or use other persons, equipment and facilities for removing, preserving, and storing abandoned property.

#### 502.8.2 ON PUBLIC PROPERTY

- (a) Determine if the vehicle is stolen, wanted or has been previously reported as unattended.
- (b) Will make a reasonable effort to contact the owner and advise him to remove the vehicle within 48 hours or it will be removed and stored as an abandoned vehicle. A reasonable effort would be a telephone contact or personal contact when feasible. Attempts to notify the owner will be entered in the CAD narrative.
- (c) Advise the Talbot Center to open a CAD call for disabled/abandoned motor vehicle and enter the vehicle in the Disabled Vehicle log.
- (d) Will complete and attached an abandoned vehicle tag, Form 138, to the vehicle in a manner that is conspicuous to all.
- (e) If the vehicle has remained on public property over 48 hours or if it creates an immediate traffic hazard the officer:
  - 1. Will request the next reliable licensed wrecker company to remove the vehicle.
  - 2. May charge the owner/driver responsible for abandoning the vehicle in accordance with the provisions of the Maryland Transportation Article.
- (f) If towed:
  - 1. Complete an "Abandoned Vehicle" Incident Report and a Vehicle Storage Report.
  - 2. A vehicle inventory must be conducted and listed on the Vehicle Storage Report.
  - 3. The Police Department has no claim or hold on the vehicle and the owner may retrieve the vehicle at their convenience. The matter of the tow bill and storage fees is a civil matter to be taken up between the wrecker company and the vehicle owner.
  - 4. An attempt to notify the last known vehicle owner must be made in person or by telephone and documented in the report.

#### 502.8.3 ON PRIVATE PROPERTY

- (a) Verify that the complainant is the property owner, or is acting as an agent for the property owner.
- (b) Determine if the vehicle is wanted/stolen and if it meets abandonment criteria.
- (c) Complete the Abandoned Vehicle Tag Form 138, and attach it to the vehicle where it would be most visible to the operator.

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- (d) Advise the complainant that they can have the vehicle removed by a licensed wrecker company if the vehicle is not removed within the 48 hour time limit. **EXCEPTION:** If the vehicle is blocking access to property or creating a traffic hazard, the vehicle may be towed by property owner after a reasonable effort to contact the vehicle owner.
- (e) Obtain a listing on the vehicle and furnish the name and address of the vehicle owner to the complainant.

### **502.9 RECORDS**

Records Section members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

#### **502.9.1 VEHICLE STORAGE REPORT**

Department members towing a vehicle shall complete a vehicle storage report. The report should be submitted to the Records Section as soon as practicable after the vehicle is towed.

#### **502.9.2 NOTICE OF TOW**

As soon as reasonably possible and within seven days of a vehicle being towed, it shall be the responsibility of the Records Section to send a notice of tow to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail. The notice shall include (Md. Code TR § 25-204; Md. Code TR § 16-303.1:)

- (a) A statement that the vehicle has been taken into custody.
- (b) The location of the vehicle.
- (c) A description of the vehicle, including the following:
  - 1. Color
  - 2. Manufacturer year
  - 3. Make and model
  - 4. License plate number and/or Vehicle Identification Number (VIN)
  - 5. Mileage
- (d) The authority and purpose for the removal of the vehicle.
- (e) An explanation of the procedure for release of the vehicle and for obtaining a vehicle tow hearing.
- (f) Information for the owner or others having a recorded interest in the vehicle, of the right to reclaim the vehicle within three weeks after the date of the notice, on payment of all towing, preservation and storage charges resulting from taking or placing the vehicle in custody.
- (g) A statement that the failure of the owner, or others having a recorded interest in the vehicle, to exercise this right to reclaim the vehicle in the time provided is:
  - (a) A waiver to right, title and interest in the vehicle.
  - (b) Consent to the sale of the vehicle at public auction.

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- (c) Consent by the owner, other than a lessor, to the retention of the vehicle for public purposes as provided by state law (Md. Code TR § 25-207.)

If the identity or address of the last registered owner, or others having a recorded interest in the vehicle, cannot be determined or the certified notice is returned as undeliverable, the Records Section shall post the notice where the abandoned vehicle was found as provided by state law (Md. Code TR § 25-205(c).)

#### **502.10 VEHICLE INVENTORY**

The contents of all vehicles towed at the request of department members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
- (c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money, small valuables or hazardous materials.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner, or booked into property for safekeeping.

Any cash, jewelry or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Property and Evidence Section Policy. A copy of the inventory should be given to the person in control of the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator.



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These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members and protecting the Department against fraudulent claims of lost, stolen or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

#### **502.11 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY**

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions), which are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle.